

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

MURRAY WALTER PISONY,

*Plaintiff,*

v.

COMMANDO CONSTRUCTION, INC.  
and JAMES MCLEOD HOLDINGS, INC.,

*Defendants.*

Case No.: 6:17-cv-00055-ADA

**DECLARATION OF MICHAEL MARTINICH-SAUTER IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE  
THE EXPERT INVALIDITY REPORT OF DAVID G. SMITH**

I, Michael Martinich-Sauter, state as follows:

1. I am counsel for Defendants Commando Construction, Inc. ("CCI") and James McLeod Holdings, Inc. ("JMH") in the above-captioned litigation. My testimony in this declaration is based on personal knowledge, information and belief relating to this litigation.

2. Attached as Exhibit A is a true and correct copy of CCI's Third Set of Interrogatories, served on Plaintiff on July 31, 2019.

3. Attached as Exhibit B is a true and correct copy of Plaintiff's original Objections and Responses to CCI's Third Set of Interrogatories. Exhibit B has been redacted to remove any information that might arguably be subject to the protective order in this case. Counsel for Plaintiff has had the opportunity to review this redacted version before filing and has no objections.

\* \* \* \*

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 21st day of February 2020.

/s/ Michael Martinich-Sauter